

### **Remarks**

Claims 1, 68, 70-72, 74, 76-79, 81-84, and 86-94 are pending. Reconsideration is respectfully requested. Entry of the amendment is respectfully requested. New dependent claims 90-94 replace the canceled claims 69, 73, 75, 80, and 85. No new matter has been added.

### **Applicants Request Transfer of Application**

USPTO classification rules dictate that this application be classified in class 235 (subclass 379 or 382) because of subject matter (e.g., claims 90 and 93) directed to an automated banking machine having a card reader and biometric reader relationship, where an individual is allowed to use the machine responsive to a predetermined relationship of card data read by the card reader and biometric data read by the biometric reader.

USPTO rules also dictate that examination of an application be performed by the art unit that is assigned to best examine the recited subject matter. Thus, this application should be transferred to the art unit assigned to best examine class 235 subject matter. As best understood, class 235 is in art unit 2876. Therefore, Applicants request that this application be appropriately transferred to art unit 2876.

Should the Examiner refuse to transfer this application in the manner dictated by the USPTO rules (and requested by Applicants), then the Examiner's reason for such refusal should be made clear in the record. Examiner refusal to transfer this application may also lead to a petition regarding the refusal. Grant of said petition may constitute a clear examining error.

### **Conclusion**

Applicants respectfully submit that all claims are allowable. The undersigned is willing to discuss any aspect of the Application by phone at the Office's convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Jocke', written over a horizontal line.

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